



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0238

Introduced 1/19/2007, by Rep. David Reis

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-12	from Ch. 46, par. 7-12
10 ILCS 5/8-9	from Ch. 46, par. 8-9
10 ILCS 5/10-6.2	from Ch. 46, par. 10-6.2

Amends the Election Code. Provides that on the first day for filing candidate petitions, the entity with which petitions are filed may not file petitions on behalf of a candidate other than himself or herself.

LRB095 04112 JAM 24150 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing
5 Sections 7-12, 8-9, and 10-6.2 as follows:

6 (10 ILCS 5/7-12) (from Ch. 46, par. 7-12)

7 Sec. 7-12. All petitions for nomination shall be filed by
8 mail or in person as follows:

9 (1) Where the nomination is to be made for a State,
10 congressional, or judicial office, or for any office a
11 nomination for which is made for a territorial division or
12 district which comprises more than one county or is partly in
13 one county and partly in another county or counties, then,
14 except as otherwise provided in this Section, such petition for
15 nomination shall be filed in the principal office of the State
16 Board of Elections not more than 99 and not less than 92 days
17 prior to the date of the primary, but, in the case of petitions
18 for nomination to fill a vacancy by special election in the
19 office of representative in Congress from this State, such
20 petition for nomination shall be filed in the principal office
21 of the State Board of Elections not more than 57 days and not
22 less than 50 days prior to the date of the primary.

23 Where a vacancy occurs in the office of Supreme, Appellate

1 or Circuit Court Judge within the 3-week period preceding the
2 92nd day before a general primary election, petitions for
3 nomination for the office in which the vacancy has occurred
4 shall be filed in the principal office of the State Board of
5 Elections not more than 78 nor less than 71 days prior to the
6 date of the general primary election.

7 Where the nomination is to be made for delegates or
8 alternate delegates to a national nominating convention, then
9 such petition for nomination shall be filed in the principal
10 office of the State Board of Elections not more than 99 and not
11 less than 92 days prior to the date of the primary; provided,
12 however, that if the rules or policies of a national political
13 party conflict with such requirements for filing petitions for
14 nomination for delegates or alternate delegates to a national
15 nominating convention, the chairman of the State central
16 committee of such national political party shall notify the
17 Board in writing, citing by reference the rules or policies of
18 the national political party in conflict, and in such case the
19 Board shall direct such petitions to be filed not more than 69
20 and not less than 62 days prior to the date of the primary.

21 (2) Where the nomination is to be made for a county office
22 or trustee of a sanitary district then such petition shall be
23 filed in the office of the county clerk not more than 99 nor
24 less than 92 days prior to the date of the primary.

25 (3) Where the nomination is to be made for a municipal or
26 township office, such petitions for nomination shall be filed

1 in the office of the local election official, not more than 78
2 nor less than 71 days prior to the date of the primary;
3 provided, where a municipality's or township's boundaries are
4 coextensive with or are entirely within the jurisdiction of a
5 municipal board of election commissioners, the petitions shall
6 be filed in the office of such board; and provided, that
7 petitions for the office of multi-township assessor shall be
8 filed with the election authority.

9 (4) The petitions of candidates for State central
10 committeeman shall be filed in the principal office of the
11 State Board of Elections not more than 99 nor less than 92 days
12 prior to the date of the primary.

13 (5) Petitions of candidates for precinct, township or ward
14 committeemen shall be filed in the office of the county clerk
15 not more than 99 nor less than 92 days prior to the date of the
16 primary.

17 (6) The State Board of Elections and the various election
18 authorities and local election officials with whom such
19 petitions for nominations are filed shall specify the place
20 where filings shall be made and upon receipt shall endorse
21 thereon the day and hour on which each petition was filed. All
22 petitions filed by persons waiting in line as of 8:00 a.m. on
23 the first day for filing, or as of the normal opening hour of
24 the office involved on such day, shall be deemed filed as of
25 8:00 a.m. or the normal opening hour, as the case may be. On
26 the first day for filing petitions, the State Board of

1 Elections and its employees, an election authority and its
2 employees, and a local election official and his or her
3 employees shall not file petitions with the State Board, that
4 election authority, or that local election official,
5 respectively, on behalf of a person (other than on behalf of
6 himself or herself, in the case of a county clerk or local
7 election official). Petitions filed by mail and received after
8 midnight of the first day for filing and in the first mail
9 delivery or pickup of that day shall be deemed as filed as of
10 8:00 a.m. of that day or as of the normal opening hour of such
11 day, as the case may be. All petitions received thereafter
12 shall be deemed as filed in the order of actual receipt. Where
13 2 or more petitions are received simultaneously, the State
14 Board of Elections or the various election authorities or local
15 election officials with whom such petitions are filed shall
16 break ties and determine the order of filing, by means of a
17 lottery or other fair and impartial method of random selection
18 approved by the State Board of Elections. Such lottery shall be
19 conducted within 9 days following the last day for petition
20 filing and shall be open to the public. Seven days written
21 notice of the time and place of conducting such random
22 selection shall be given by the State Board of Elections to the
23 chairman of the State central committee of each established
24 political party, and by each election authority or local
25 election official, to the County Chairman of each established
26 political party, and to each organization of citizens within

1 the election jurisdiction which was entitled, under this
2 Article, at the next preceding election, to have pollwatchers
3 present on the day of election. The State Board of Elections,
4 election authority or local election official shall post in a
5 conspicuous, open and public place, at the entrance of the
6 office, notice of the time and place of such lottery. The State
7 Board of Elections shall adopt rules and regulations governing
8 the procedures for the conduct of such lottery. All candidates
9 shall be certified in the order in which their petitions have
10 been filed. Where candidates have filed simultaneously, they
11 shall be certified in the order determined by lot and prior to
12 candidates who filed for the same office at a later time.

13 (7) The State Board of Elections or the appropriate
14 election authority or local election official with whom such a
15 petition for nomination is filed shall notify the person for
16 whom a petition for nomination has been filed of the obligation
17 to file statements of organization, reports of campaign
18 contributions, and annual reports of campaign contributions
19 and expenditures under Article 9 of this Act. Such notice shall
20 be given in the manner prescribed by paragraph (7) of Section
21 9-16 of this Code.

22 (8) Nomination papers filed under this Section are not
23 valid if the candidate named therein fails to file a statement
24 of economic interests as required by the Illinois Governmental
25 Ethics Act in relation to his candidacy with the appropriate
26 officer by the end of the period for the filing of nomination

1 papers unless he has filed a statement of economic interests in
2 relation to the same governmental unit with that officer within
3 a year preceding the date on which such nomination papers were
4 filed. If the nomination papers of any candidate and the
5 statement of economic interest of that candidate are not
6 required to be filed with the same officer, the candidate must
7 file with the officer with whom the nomination papers are filed
8 a receipt from the officer with whom the statement of economic
9 interests is filed showing the date on which such statement was
10 filed. Such receipt shall be so filed not later than the last
11 day on which nomination papers may be filed.

12 (9) Any person for whom a petition for nomination, or for
13 committeeman or for delegate or alternate delegate to a
14 national nominating convention has been filed may cause his
15 name to be withdrawn by request in writing, signed by him and
16 duly acknowledged before an officer qualified to take
17 acknowledgments of deeds, and filed in the principal or
18 permanent branch office of the State Board of Elections or with
19 the appropriate election authority or local election official,
20 not later than the date of certification of candidates for the
21 consolidated primary or general primary ballot. No names so
22 withdrawn shall be certified or printed on the primary ballot.
23 If petitions for nomination have been filed for the same person
24 with respect to more than one political party, his name shall
25 not be certified nor printed on the primary ballot of any
26 party. If petitions for nomination have been filed for the same

1 person for 2 or more offices which are incompatible so that the
2 same person could not serve in more than one of such offices if
3 elected, that person must withdraw as a candidate for all but
4 one of such offices within the 5 business days following the
5 last day for petition filing. If he fails to withdraw as a
6 candidate for all but one of such offices within such time his
7 name shall not be certified, nor printed on the primary ballot,
8 for any office. For the purpose of the foregoing provisions, an
9 office in a political party is not incompatible with any other
10 office.

11 (10) (a) Notwithstanding the provisions of any other
12 statute, no primary shall be held for an established
13 political party in any township, municipality, or ward
14 thereof, where the nomination of such party for every
15 office to be voted upon by the electors of such township,
16 municipality, or ward thereof, is uncontested. Whenever a
17 political party's nomination of candidates is uncontested
18 as to one or more, but not all, of the offices to be voted
19 upon by the electors of a township, municipality, or ward
20 thereof, then a primary shall be held for that party in
21 such township, municipality, or ward thereof; provided
22 that the primary ballot shall not include those offices
23 within such township, municipality, or ward thereof, for
24 which the nomination is uncontested. For purposes of this
25 Article, the nomination of an established political party
26 of a candidate for election to an office shall be deemed to

1 be uncontested where not more than the number of persons to
2 be nominated have timely filed valid nomination papers
3 seeking the nomination of such party for election to such
4 office.

5 (b) Notwithstanding the provisions of any other
6 statute, no primary election shall be held for an
7 established political party for any special primary
8 election called for the purpose of filling a vacancy in the
9 office of representative in the United States Congress
10 where the nomination of such political party for said
11 office is uncontested. For the purposes of this Article,
12 the nomination of an established political party of a
13 candidate for election to said office shall be deemed to be
14 uncontested where not more than the number of persons to be
15 nominated have timely filed valid nomination papers
16 seeking the nomination of such established party for
17 election to said office. This subsection (b) shall not
18 apply if such primary election is conducted on a regularly
19 scheduled election day.

20 (c) Notwithstanding the provisions in subparagraph (a)
21 and (b) of this paragraph (10), whenever a person who has
22 not timely filed valid nomination papers and who intends to
23 become a write-in candidate for a political party's
24 nomination for any office for which the nomination is
25 uncontested files a written statement or notice of that
26 intent with the State Board of Elections or the local

1 election official with whom nomination papers for such
2 office are filed, a primary ballot shall be prepared and a
3 primary shall be held for that office. Such statement or
4 notice shall be filed on or before the date established in
5 this Article for certifying candidates for the primary
6 ballot. Such statement or notice shall contain (i) the name
7 and address of the person intending to become a write-in
8 candidate, (ii) a statement that the person is a qualified
9 primary elector of the political party from whom the
10 nomination is sought, (iii) a statement that the person
11 intends to become a write-in candidate for the party's
12 nomination, and (iv) the office the person is seeking as a
13 write-in candidate. An election authority shall have no
14 duty to conduct a primary and prepare a primary ballot for
15 any office for which the nomination is uncontested unless a
16 statement or notice meeting the requirements of this
17 Section is filed in a timely manner.

18 (11) If multiple sets of nomination papers are filed for a
19 candidate to the same office, the State Board of Elections,
20 appropriate election authority or local election official
21 where the petitions are filed shall within 2 business days
22 notify the candidate of his or her multiple petition filings
23 and that the candidate has 3 business days after receipt of the
24 notice to notify the State Board of Elections, appropriate
25 election authority or local election official that he or she
26 may cancel prior sets of petitions. If the candidate notifies

1 the State Board of Elections, appropriate election authority or
2 local election official, the last set of petitions filed shall
3 be the only petitions to be considered valid by the State Board
4 of Elections, election authority or local election official. If
5 the candidate fails to notify the State Board of Elections,
6 election authority or local election official then only the
7 first set of petitions filed shall be valid and all subsequent
8 petitions shall be void.

9 (12) All nominating petitions shall be available for public
10 inspection and shall be preserved for a period of not less than
11 6 months.

12 (Source: P.A. 86-867; 86-873; 86-875; 86-1028; 86-1089;
13 87-1052.)

14 (10 ILCS 5/8-9) (from Ch. 46, par. 8-9)

15 Sec. 8-9. All petitions for nomination shall be filed by
16 mail or in person as follows:

17 (1) Where the nomination is made for a legislative office,
18 such petition for nomination shall be filed in the principal
19 office of the State Board of Elections not more than 99 and not
20 less than 92 days prior to the date of the primary. On the
21 first day for filing petitions, the State Board of Elections
22 and its employees shall not file petitions with the State Board
23 of Elections on behalf of another person.

24 (2) The State Board of Elections shall, upon receipt of
25 each petition, endorse thereon the day and hour on which it was

1 filed. Petitions filed by mail and received after midnight on
2 the first day for filing and in the first mail delivery or
3 pickup of that day, shall be deemed as filed as of 8:00 a.m. of
4 that day or as of the normal opening hour of such day as the
5 case may be, and all petitions received thereafter shall be
6 deemed as filed in the order of actual receipt. Where 2 or more
7 petitions are received simultaneously, the State Board of
8 Elections shall break ties and determine the order of filing,
9 by means of a lottery as provided in Section 7-12 of this Code.

10 (3) Any person for whom a petition for nomination has been
11 filed, may cause his name to be withdrawn by a request in
12 writing, signed by him, duly acknowledged before an officer
13 qualified to take acknowledgments of deeds, and filed in the
14 principal or permanent branch office of the State Board of
15 Elections not later than the date of certification of
16 candidates for the general primary ballot, and no names so
17 withdrawn shall be certified by the State Board of Elections to
18 the county clerk, or printed on the primary ballot. If
19 petitions for nomination have been filed for the same person
20 with respect to more than one political party, his name shall
21 not be certified nor printed on the primary ballot of any
22 party. If petitions for nomination have been filed for the same
23 person for 2 or more offices which are incompatible so that the
24 same person could not serve in more than one of such offices if
25 elected, that person must withdraw as a candidate for all but
26 one of such offices within the 5 business days following the

1 last day for petition filing. If he fails to withdraw as a
2 candidate for all but one of such offices within such time, his
3 name shall not be certified, nor printed on the primary ballot,
4 for any office. For the purpose of the foregoing provisions, an
5 office in a political party is not incompatible with any other
6 office.

7 (4) If multiple sets of nomination papers are filed for a
8 candidate to the same office, the State Board of Elections
9 shall within 2 business days notify the candidate of his or her
10 multiple petition filings and that the candidate has 3 business
11 days after receipt of the notice to notify the State Board of
12 Elections that he or she may cancel prior sets of petitions. If
13 the candidate notifies the State Board of Elections the last
14 set of petitions filed shall be the only petitions to be
15 considered valid by the State Board of Elections. If the
16 candidate fails to notify the State Board then only the first
17 set of petitions filed shall be valid and all subsequent
18 petitions shall be void.

19 (Source: P.A. 86-875; 87-1052.)

20 (10 ILCS 5/10-6.2) (from Ch. 46, par. 10-6.2)

21 Sec. 10-6.2. The State Board of Elections, the election
22 authority or the local election official with whom petitions
23 for nomination are filed pursuant to this Article 10 shall
24 specify the place where filings shall be made and upon receipt
25 shall endorse thereon the day and the hour at which each

1 petition was filed. Except as provided by Article 9 of The
2 School Code, all petitions filed by persons waiting in line as
3 of 8:00 a.m. on the first day for filing, or as of the normal
4 opening hour of the office involved on such day, shall be
5 deemed filed as of 8:00 a.m. or the normal opening hour, as the
6 case may be. On the first day for filing petitions, the State
7 Board of Elections and its employees, an election authority and
8 its employees, and a local election official and his or her
9 employees shall not file petitions with the State Board, that
10 election authority, or that local election official,
11 respectively, on behalf of a person (other than on behalf of
12 himself or herself, in the case of a county clerk or local
13 election official). Petitions filed by mail and received after
14 midnight of the first day for filing and in the first mail
15 delivery or pickup of that day shall be deemed filed as of 8:00
16 a.m. of that day or as of the normal opening hour of such day,
17 as the case may be. All petitions received thereafter shall be
18 deemed filed in the order of actual receipt. Where 2 or more
19 petitions are received simultaneously, the State Board of
20 Elections, the election authority or the local election
21 official with whom such petitions are filed shall break ties
22 and determine the order of filing by means of a lottery or
23 other fair and impartial method of random selection approved by
24 the State Board of Elections. Such lottery shall be conducted
25 within 9 days following the last day for petition filing and
26 shall be open to the public. Seven days written notice of the

1 time and place of conducting such random selection shall be
2 given, by the State Board of Elections, the election authority,
3 or local election official, to the Chairman of each political
4 party, and to each organization of citizens within the election
5 jurisdiction which was entitled, under this Code, at the next
6 preceding election, to have pollwatchers present on the day of
7 election. The State Board of Elections, the election authority
8 or local election official shall post in a conspicuous, open
9 and public place, at the entrance of the office, notice of the
10 time and place of such lottery. The State Board of Elections
11 shall adopt rules and regulations governing the procedures for
12 the conduct of such lottery. All candidates shall be certified
13 in the order in which their petitions have been filed and in
14 the manner prescribed by Section 10-14 and 10-15 of this
15 Article. Where candidates have filed simultaneously, they
16 shall be certified in the order determined by lot and prior to
17 candidates who filed for the same office or offices at a later
18 time. Certificates of nomination filed within the period
19 prescribed in Section 10-6(2) for candidates nominated by
20 caucus for township or municipal offices shall be subject to
21 the ballot placement lottery for established political parties
22 prescribed in Section 7-60 of this Code.

23 If multiple sets of nomination papers are filed for a
24 candidate to the same office, the State Board of Elections,
25 appropriate election authority or local election official
26 where the petitions are filed shall within 2 business days

1 notify the candidate of his or her multiple petition filings
2 and that the candidate has 3 business days after receipt of the
3 notice to notify the State Board of Elections, appropriate
4 election authority or local election official that he or she
5 may cancel prior sets of petitions. If the candidate notifies
6 the State Board of Elections, appropriate election authority or
7 local election official, the last set of petitions filed shall
8 be the only petitions to be considered valid by the State Board
9 of Elections, election authority or local election official. If
10 the candidate fails to notify the State Board of Elections,
11 appropriate election authority or local election official then
12 only the first set of petitions filed shall be valid and all
13 subsequent petitions shall be void.

14 (Source: P.A. 91-357, eff. 7-29-99.)